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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,525	07/26/2004	Adrianus Johannes Maria Denissen	NL 020080	7478
24737 7590 08/22/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER BONZO, BRYCE P	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/502,525	<b>Applicant(s)</b> DENISSEN ET AL.	
	<b>Examiner</b> Bryce P. Bonzo	<b>Art Unit</b> 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**NON-FINAL OFFICIAL ACTION**

***Status of the Claims***

Claims 6, 7 and 11 are rejected under 35 USC §112, second paragraph.

Claims 1-17 are rejected under 35 USC §102.

***Rejections under 35 USC §112, second paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 6, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 7, the phrase "further higher up layer" renders the claim indefinite because it is unclear as to what stack/layer arrangement Applicant is referring.

Regarding claim 11, the phrase "in particular MPEG data" renders the claim indefinite because it is unclear if Applicant wishes to simply claim any form of erroneous recorded data, only erroneous data from MPEG.

***Rejections under 35 USC §102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageyama (United States Patent Application No. 2002/0152349). As per the claims, Kageyama discloses:

1. Method for handling data, wherein data are recorded at a data storage medium (4) and physical information on erroneous recorded data are identified (§11), characterized in that for handling data at a file system logical information on the erroneous recorded data are identified and registered at a file system layer (2, 2a) (§13) during or immediately subsequent the recording of data. (§13)
2. Method as claimed in claim 1, characterised in that the handling is adapted for real-time handling of data (§13).

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3. Method as claimed in claim 1, characterised in that identified physical information on the erroneous recorded data are registered to a file system layer (2, 2a) during or immediately subsequent the recording of data (§12).

4. Method as claimed in claim 1, characterised in that any data not recorded due to predetermined time restrictions are identified as erroneous recorded data (§11).

5. Method as claimed in claim 1, characterised in that the erroneous recorded data are comprised by a latest recorded data stream are registered at a 20 file system layer (2, 2a) during or immediately subsequent the recording of data (§11).

6. Method as claimed in claim 1, characterised in that the logical information includes one or more items selected from the group consisting of: the erroneous recorded data of a file, at least part of the data stream recorded latest, software identifier marks of erroneous recorded data of a file, location of erroneous recorded data in a file, in particular identifying a logical address space and/or range as defective or erroneous areas of the file, e. g. in terms of logical allocation traits or bytes. (§14) .

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7. Method as claimed in claim 1 characterised in that the logical information in the file system layer (2, 2a) is communicated, in particular by an application programming interface or a driver, to an application layer (1), a host system layer or a further higher up layer (§12).

8. Method as claimed in claim 1, characterised in that the handling comprises recording and reproducing of data at a data storage medium (4) (§15).

9. Method as claimed in claim 1, characterised in that the logical information on erroneous recorded data are applied to retrieve the erroneous recorded data properly during reproduction of the data (§13).

10. Method as claimed in claim 1, characterised in that reproduction of data includes one or more items selected from the group consisting of: read- 15 back of data, background repairing of data (§11).

11. Method as claimed in claim 1, characterised in that the logical information are applied to retrieve the erroneous recorded data, which includes one or more items selected from the group consisting of: repair of erroneous recorded data extra transmitting of erroneous recorded data, storing of the logical information and later-on-repair of the erroneous recorded data, replacement of erroneous recorded data, in particular by MPEG-data (§14).

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12. Data storage system comprising a data storage medium (4) and a file system, characterised by further comprising a filter driver for identifying and registering logical information of erroneous recorded data at a file system layer (2, 2a) during or immediately subsequent the recording of data. (¶12)

13. Data storage system as claimed in claim 12, characterised in that the system further comprises a registration means comprised by the file system layer (2, 2a), in particular an administration layer. (¶13)

14. Data storage system as claimed in claim 12 further comprising an application layer (1) and a communication means, in particular an application programming (¶11/13) interface or a device driver, for communicating erroneous recorded data between the file system layer (2, 2a) and the application layer (1).

15. File system comprising a file system layer (2, 2a) and a filter driver, storable on a computer readable medium for identifying and registering logical information on erroneous recorded data at the file system layer (2, 2a) during or immediately subsequent to the recording of data (¶13).

16. Computer program product storable on a medium readable by a computer system comprising a software code section which induces to execute the method as claimed in any one of the preceding method claims when the product is executed on a computer

system. (see any above claim)

17. Apparatus for reproducing audiovisual information, comprising the data storage system according to claim 12. (¶12/¶38)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P. Bonzo whose telephone number is (571)272-3655. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Bryce P Bonzo  
Primary Examiner  
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